

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Debra Lashaway, et al.,

Case No. 3:13 CV 43

Plaintiffs,

REMAND ORDER

-vs-

JUDGE JACK ZOUHARY

JustMugshots.com, et al.,

Defendants.

The Court conducted a Status Phone Conference on January 15, 2013.

Counsel present: Scott Ciolek for Plaintiffs and Joshua Jones for Defendant JustMugshots.com.

Before this Court is Defendant JustMugshots.com's Notice of Removal (Doc. 1) and Motion to Dismiss (Doc. 5). Defendant JustMugshots.com, one of five websites named as Defendants, alleges removal is proper both under 28 U.S.C. § 1332(a) and under the Class Action Fairness Act ("CAFA"). However, at this juncture, this Court cannot discern that it has jurisdiction to entertain this matter.

JustMugshots.com is a website; nothing more than an intangible asset of an owner. *See, e.g., Fraley v. Facebook, Inc.*, 830 F. Supp. 2d 785 (N.D. Cal. 2011) (describing action filed against website owner and operator for tort claim premised on information published on a website). However, the Notice of Removal is not brought under the owner's name and does not identify the

owner or otherwise make sufficient allegations about the citizenship of the owner and the other parties involved in this lawsuit. Indeed, during the phone status conference, JustMugshot.com's counsel acknowledged that he was retained by the individual owner of the website.

Jurisdiction is determined as of the time of removal, and events (including amending a complaint) can neither supply nor eliminate jurisdiction. *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289–90 (1938); *Rogers v. Wal-Mart Stores, Inc.*, 230 F.3d 868, 872 (6th Cir. 2000). Evaluating the pleadings before it at the time of removal, this Court finds insufficient allegations establishing federal jurisdiction over this action.

For these reasons, this case is remanded to state court for further proceedings.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

January 15, 2013